UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA

JAMES D. MCCLELLAND,)	
)	
Plaintiff,)	
v.)	No. 1:03-cv-45
)	Edgar / Inman
JO ANNE B. BARNHART,)	, and the second
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

For the reasons expressed in the accompanying memorandum, it is the **ORDER** of this Court that:

- (1) Neither party having filed objections to the report and recommendation of the United States Magistrate Judge, [Doc. No. 32] the Court **ACCEPTS AND ADOPTS** the United States Magistrate Judge's report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b); and
- (2) The motion of plaintiff's counsel, Rex Wagner, for \$11,733.00 in attorney's fees out of the accrued Social Security disability benefits of plaintiff, James D. McClelland, pursuant to 42 U.S.C. § 406(b) [Doc. No. 28-1] is hereby **GRANTED**.

ENTER this 18th day of May, 2005.

/s/ R. Allan Edgar		
R. ALLAN EDGAR		
CHIEF UNITED STATES DISTRICT JUDGE		